IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

**CRIMINAL APPLICATION NO. 106 OF 2006**
**IN**
**CRI. APPEAL NO. 698 OF 2005**

Jitu Rama Chauhan ..Applicant.

V/s.

State of Maharashtra .. Respondent.

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Mrs. Anjali Patil for the Applicant.

Mr. V.B.Konde- Deshmukh, APP for the Respondent State.

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**CORAM : D. G. DESHPANDE**
**S. A. BOBDE, JJ.**

**DATED : 15TH JUNE, 2006.**

**P.C.:**

1. Heard. This application for bail is filed by Accused No.3, who has been convicted alongwith the other accused under section 302 of the I.P.C. The complaint was lodged by the wife of the victim. From the names disclosed to her by her husband, the victim, it was stated that there was one more person and the present accused is the said third person. Though in her examination-in-chief, the complainant stated that accused No.3 was also there, in the cross-examination, which is reproduced by the trial court in paragraph 13 of the judgment, the complainant admitted that, "it will

be correct to say that the person whom I have referred may not be Accused No.3, as I had not seen him earlier. I may have wrongfully identified him". Further, there is no recovery of incriminating articles from the accused and looking to the admission given by the complainant and in the absence of any name and description of the accused in the F.I.R., he is entitled for bail. Therefore, the order :-

(i) The Bail Application is allowed and the substantive sentence of accused No.3 is suspended. Accused No.3 be released on P.R. Bond of Rs.2000/- (Rs. Two thousand) with one or two solvent sureties in the like amount. The applicant accused shall attend D.N. Nagar Police station once in a month, in the first week of the month between 4 p.m. & 6 p.m. till appeal is disposed of.

ii) Criminal Application for bail is disposed of.

(D.G.DESHPANDE,J)

Dt.15.06.2006

(S.A. BOBDE, J)

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